UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,836	07/18/2003	Arian Koster	PTT-176	4774

			EXAMINER
7265	7590	08/15/2006	AGWUMEZIE, CHARLES C

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ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

<table>
<tr><td rowspan="3">Office Action Summary</td><td colspan="2">Application No.</td><td colspan="2">Applicant(s)</td></tr>
<tr><td colspan="2">10/622,836</td><td colspan="2">KOSTER ET AL.</td></tr>
<tr><td>Examiner</td><td></td><td>Art Unit</td><td></td></tr>
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	Charlie C. Agwumezie	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*18 July 2003*</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>*10/31/03*</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13, and 15-17, are rejected under 35 U.S.C. 102(b) as being

anticipated by Ronen U.S. Patent No. 5,864,610

As per **claims 1 and 17**, Ronen discloses a method for providing controlled

online access from a terminal user to a content service via a telecommunications

system the telecommunications system comprising a network, at least one terminal

being connected to the network, the terminal comprising a display for displaying content

services, said method for use in a first system, the first system being connected to a

second system, the first system being connected to a means for storing billing data of

terminal users, the method comprising the following steps:

receiving in the first system a request from the terminal for access to the content

service, said request being sent from the terminal to the first system using the network,

said request comprising a first code for identifying the terminal user and/or terminal (fig.

1, 6, 7, and 8; col. 1, line 55-col. 2, line 25; col. 2, lines 40-60);

allowing or refusing online access from said terminal to said content service

based on the terminal user's billing data (fig. 6, 7, 8, and 11; col. 7, lines 35-65);

in case of refusal (fig. 6);

storing said first code and a second code identifying the request with the terminal

user's billing data (col. 7, lines 35-65);

providing the terminal with information to set up a connection to the second

system, said information comprising the second code, said information being sent from

the first system to the terminal using the network (fig. 6, col. 7, lines 35-65; "... provides

terminal with a number to call for billing authorization...");

receiving in the second system said second code or related code, the second

code being sent from the terminal to the second system using the network (fig. 6, col.

35-65; "...ISP collects the number...");

updating the terminal user's billing data referenced by said second code (col. 7,

lines 35-65; "...charges the user and credits the ISP...");

allowing online access from said terminal to said content service (col. 7, lines 35-

65; "...user is confirmed of service...").

As per **claim 2**, Ronen further discloses a method wherein allowing online

access from said terminal on a next access request (col. 1, line 55-col. 2, line 25).

As per **claim 3**, Ronen further discloses a method wherein the method further

comprises the following steps:

deriving from the second code a telephone number of the terminal user (col. 7,

lines 35-65);

sending a premium SMS message to the terminal user using the telephone

number of the terminal user (col. 7, lines 35-65; col. 8, lines 30-60).

As per **claim 4**, Ronen further discloses a method 1 wherein said means for

storing billing data of terminal users is part of the first system (fig. 3).

As per **claim 5**, Ronen further discloses a method wherein said means for storing

billing data of terminal users is part of the second system (fig. 3).

As per **claim 6**, Ronen further discloses a method wherein said first system and

said second system are the same (fig. 4).

As per **claim 7**, Ronen further discloses a method wherein said network

comprises a packet switched domain and a circuit switched domain (fig. 3; col. 5, line

45-col. 6, line 5).

As per **claim 8**, Ronen further discloses a method wherein said request is sent

from the terminal to the first system using the packet switched domain (fig. 3; col. 5, line

45-col. 6, line 5).

As per **claim 9**, Ronen further discloses a method wherein said information is

sent from the first system to the terminal using the packet switched domain (fig. 3).

As per **claim 10**, Ronen further discloses a method wherein said second code is sent from the terminal to the second system using the circuit switched domain (fig. 3, col. 7, lines 35-65).

As per **claim 11**, Ronen further discloses a method wherein updating the terminal user's billing data is accomplished by adding a sum to the terminal user's billing data (col. 7, lines 35-65).

As per **claim 12**, Ronen further discloses a method wherein said sum corresponds with a tariff of using the second system (col. 7, lines 35-65).

As per **claim 13**, Ronen further discloses a method wherein updating the terminal user's billing data is accomplished by adding a sum to the terminal user's billing, said sum corresponding with a tariff of the premium SMS message (col. 6, lines 15-30; col. 7, lines 35-65).

As per **claim 15**, Ronen further discloses a method wherein the method further comprises the following steps: in case of allowance, retrieving in the first system the requested content service, forwarding said requested content service to the terminal (col. 7, lines 35-65 "...ISP provides the first screen of service...").

As per **claim 16**, Ronen further discloses a method wherein the method further

comprises the following step: in case of allowance, connecting the terminal to said

content service (col. 7, lines 35-65).

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claim 14, is rejected under 35 U.S.C. 103(a) as being unpatentable over Ronen

U.S. Patent No. 5,864,610 in view of Kowarsch U.S. Patent Application Publication No.

2004/0132449 A1.

As per **claim 14**, Ronen failed to explicitly disclose a method wherein, if said

terminal user's billing data is absent, the terminal user's billing data is created

automatically.

Kowarsch discloses a method wherein, if said terminal user's billing data is

absent, the terminal user's billing data is created automatically (0164; 0165; 0166).

Accordingly it would have been obvious to one of ordinary skill in the art at the

time of applicant's invention to modify the system of Daniele and provide the method

wherein, if said terminal user's billing data is absent, the terminal user's billing data is

created automatically in view of the teachings of Kowarsch in order to ensure efficient

processing and/or save time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on **(571) 272 – 6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(571) 273-8300. [Official communications; including After Final communications labeled "Box AF"].

(571) 273-8300. [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"].

Hand delivered responses should be brought to the United States Patent and Trademark Office Customer Service Window:

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Alexandria VA. 22314

Charlie Lion Agwumezie
Patent Examiner
Art Unit 3621
August 1, 2006

JAMES A. REAGAN
PRIMARY EXAMINER